(d) EXCEPTION.—The prohibitions under subsection (b) shall not apply to any collaborative study or research project in fields involving information that would not contribute substantially to the goals of the military-civil fusion strategy, as determined by the guidelines set by the Secretary of Defense.

(e) ENFORCEMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a covered entity described in subparagraph (B) or (C) of subsection (a)(2) that violates a prohibition under subsection (b) on or after the date of enactment of this Act shall be precluded from receiving any Federal financial assistance on or after the date of such violation.

(2) REGULATIONS.—The Secretary of Defense, in consultation with the Secretary of State, the Director of National Intelligence, the Director of the Federal Bureau of Investigation, the Secretary of the Treasury, and the Secretary of Commerce, shall—

(A) promulgate regulations to enforce the prohibitions under subsection (b) and the requirement under paragraph (1); and

(B) coordinate with the heads of other Federal agencies to ensure the enforcement of such prohibitions and requirement.

SA 4361. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1064. TRANSFER OF CERTAIN UNEXPENDED FUNDS RELATED TO AFGHANISTAN FOR THE PURPOSE OF BUILDING A RESILIENT DOMESTIC INDUSTRIAL BASE AND STRENGTHENING DEFENSE TECHNOLOGY INNOVATION.

(a) STATEMENT OF POLICY.—It is the policy of the United States that—

(1) great power competition with the People's Republic of China will define the future of the 21st century;

(2) the People's Republic of China is a revisionist power that seek to upend the international system in ways that are inimical to United States national interests;

(3) great power competition with the People's Republic of China is global in nature and requires a whole-of-government response;

(4) resilient domestic manufacturing, a strong and advanced United States Navy, and an innovative economy are critical to succeeding in great power competition; and

(5) promoting and supporting new technological research and development will be necessary to maintain a competitive advantage and effectively combat hostile efforts by the Government of the People's Republic of China.

(b) TRANSFER.—

(1) IN GENERAL.—The President shall transfer to each of the following appropriations accounts for the following purposes an amount equal to one-third of the total amount rescinded under paragraph (2):

(A) The Defense Production Act purchases account for activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. 4518, 4531, 4532, 4533))

(B) The Shipbuilding and Conversion, Navy account of the Department of Defense.

(C) The research, development, test, and evaluation, Defense-wide account of the Department of Defense, to be available for the Defense Advanced Research Projects Agency to carry out projects related to strengthening the United States' global advantage in strategic technologies, which may include aerospace, robotics, artificial intelligence, information technology, new and advanced materials, biotechnology, advanced machinery, telecommunications, and energy and power generation.

(2) RESCISSION OF UNEXPENDED FUNDS DEDICATED TO MAINTAINING A MILITARY AND DIPLOMATIC PRESENCE IN AFGHANISTAN.—The following amounts are hereby rescinded:

(A) The unobligated balance of amounts made available to the Department of Defense for the Afghanistan Security Forces Fund.

(B) Of the unobligated balance of amounts made available to the Department of State for Diplomatic Programs, all remaining funds relating to maintaining United States diplomatic personnel in Afghanistan.

(C) Of the unobligated balance of amounts made available for the Economic Support Fund, all remaining funds relating to implementing and supporting comprehensive strategies to combat corruption in Afghanistan, and for the reintegration of former Taliban and other extremists.

(D) Of the unobligated balance of amounts made available to the Department of State for the International Narcotics Control and Law Enforcement Fund, all remaining funds relating to programs in Afghanistan.

(E) Of the unobligated balance of amounts made available to the Department of State for International Military Education and Training programs, all remaining funds relating to training personnel of the Afghan security forces.

SA 4362. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CONSUMER PROTECTIONS REGARDING COVERED FOREIGN SOFTWARE.

(a) CONSUMER WARNING AND ACKNOWLEDGMENT FOR DOWNLOAD OF COVERED FOREIGN SOFTWARE.—

(1) IN GENERAL.—A software marketplace operator or an owner of covered foreign software may not:

(A) Permit a consumer to download covered foreign software unless, before the download begins—

(i) a warning that meets the requirements of paragraph (2) is displayed to the consumer, separately from any privacy policy, terms of service, or other notice; and

(ii) the consumer is required to choose (by taking an affirmative step such as clicking on a button) between the options of—

(I) acknowledging such warning and proceeding with the download; or

(II) cancelling the download.

(B) Make available covered foreign software for download by consumers unless the operator or owner has in place procedures to ensure compliance with subparagraph (A).

(2) REQUIREMENTS FOR WARNING.—The requirements of this paragraph are, with respect to a warning regarding covered foreign software—

(A) that the warning include—

(i) the name of the covered foreign software;

(ii) the name of each owner of the covered foreign software, and, if applicable with respect to each such owner, the name of the covered country—

(I) under the laws of which such owner is organized;

(II) in which such owner conducts its principal operations; or

(III) in which such owner is headquartered;

(iii) the name of each controlling entity of the owner of the covered foreign software, and if applicable with respect to each such controlling entity, the name of the covered country—

(I) under the laws of which such entity is organized;

(II) in which such entity conducts its principal operations; or

(III) in which such entity is headquartered;

(iv) any enumerated risk to data privacy and security or the censorship of speech associated with the laws and practices of a covered country disclosed under this subparagraph;

(v) whether the owner of a covered foreign software, or any controlling entity of such owner, has ever provided the data of United States consumers, as it relates to such software, to any law enforcement agency, intelligence agency, or other government entity of a covered country; and

(vi) a description of how to acknowledge the warning and either proceed with or cancel the download;

(B) that the warning be updated annually; and

(C) such other requirements as the Commission, in consultation with the Attorney General of the United States, shall determine.

(3) LIABILITY OF SOFTWARE OWNER.—If a software marketplace operator permits a consumer to download covered foreign software or makes covered foreign software available for download in violation of paragraph (1), the operator shall not be liable for a violation of such paragraph if the operator reasonably relied on inaccurate information from the owner of the covered foreign software in determining that the software was not covered foreign software, and the owner of the covered foreign software shall be considered to have committed the violation of such paragraph.

(b) CONSUMER DATA PROTECTIONS.—

(1) CONSUMER DATA PRIVACY PRACTICES.—

(A) CONSUMER DATA REPORT.—Not later than 30 days after the date of enactment of this section (or in the case of covered foreign software that is created after such date or software that becomes covered foreign software after such date, 60 days after the date that such software is created or becomes covered foreign software), and annually thereafter, an owner of covered foreign software shall submit to the Commission and the Attorney General of the United States a report that includes a complete description of any consumer data privacy practice of the owner as it relates to the data of United States consumers, including—

(i) the type of data of United States consumers being accessed;

(ii) a description of how such data is used by the owner;

(iii) a description of any consumer data protection measure in place that protects the rights and interests of United States consumers;

(iv) information regarding—

(I) the number of requests from a law enforcement agency, intelligence agency, or other government entity of a covered country to disclose the consumer data of a person in the United States; and

(II) a description of how such requests were handled; and

(v) a description of any internal content moderation practice of the owner as it relates to the data of consumers in the United States, including any such practice that also relates to consumers in another country.

(B) PUBLIC ACCESSIBILITY.—Notwithstanding any other provision of law, not later than 60 days after the receipt of a report under subparagraph (A), the Attorney General of the United States shall publish the information contained in such report (except for any confidential material) in a publicly accessible manner.

(2) CONSUMER DATA DISCLOSURE PRACTICES.—

(A) EFFECT OF DISCLOSURE AND CENSORSHIP.—An owner of covered foreign software may not collect or store data of United States consumers, as it relates to such covered foreign software, if such owner complies with any request from a law enforcement agency, intelligence agency, or other government entity of a covered country—

(i) to disclose the consumer data of a person in the United States; or

(ii) to censor the online activity of a person in the United States.

(B) REPORT TO FEDERAL TRADE COMMISSION AND ATTORNEY GENERAL OF THE UNITED STATES.—Not later than 14 days after receiving a request described in subparagraph (A), an owner of covered foreign software shall submit to the Commission and the Attorney General of the United States a report that includes a description of such request.

(C) ACCESS TO CONSUMER DATA IN SUBSIDIARIES.—Not later than 1 year after the date of enactment of this section, the Commission, in consultation with the Attorney General of the United States, shall issue regulations to require an owner of covered foreign software to implement consumer data protection measures to ensure that any parent company in a covered country may not access the consumer data collected and stored, or otherwise held, by a subsidiary entity of such parent company in a country that is not a covered country.

(3) PROHIBITIONS ON STORAGE, USE, AND SHARING OF CONSUMER DATA.—

(A) USE, TRANSFER, AND STORAGE OF CONSUMER DATA.—With respect to the consumer data of any person in the United States, an owner of covered foreign software may not—

(i) use such data in a covered country;

(ii) transfer such data to a covered country; or

(iii) store such data outside of the United States.

(B) SHARING OF CONSUMER DATA.—An owner of covered foreign software may not share with, sell to, or otherwise disclose to any other commercial entity the consumer data of any person in the United States.

(4) CENSORSHIP REMEDY.—In the case where an owner of covered foreign software censors the online activity of a person in the United States, such owner shall provide any affected user with a means to appeal such censorship.

(c) NONAPPLICATION OF COMMUNICATIONS DECENCY ACT PROTECTIONS.—Notwithstanding section 230 of the Communications Act of 1934 (47 U.S.C. 230) (commonly known as the ''Communications Decency Act''), an owner of a covered foreign software shall not be considered a provider of an interactive computer service for purposes of subsection (c) of such section with respect to such covered foreign software.

(d) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of this section or a regulation promulgated thereunder shall be treated as a violation of a rule defining an unfair or deceptive act or practice under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF COMMISSION.—

(A) IN GENERAL.—The Commission shall enforce this section and the regulations promulgated thereunder in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section. Any person who violates this section or a regulation promulgated thereunder shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act.

(B) ADDITIONAL RELIEF.—In addition to the penalties provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.), if a court or the Commission (in a formal adjudicative proceeding) determines that an owner of covered foreign software violated this section or a regulation promulgated thereunder, the court or the Commission shall prohibit the owner from making such software available for sale or download in the United States.

(3) REGULATIONS.—The Commission may promulgate regulations under section 553 of title 5, United States Code, to carry out this section.

(4) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit the authority of the Commission under any other provision of law.

(e) CRIMINAL OFFENSE.—

(1) IN GENERAL.—A software marketplace operator or an owner of covered foreign software that knowingly violates subsection (a) or (b) shall be fined $50,000 for each violation.

(2) CLARIFICATIONS.—

(A) SEPARATE VIOLATION.—For purposes of paragraph (1), each download by a consumer of a covered foreign software that does not meet the requirements of subparagraph (A) of subsection (a)(1) or is made available in violation of subparagraph (B) of such subsection shall be treated as a separate violation.

(B) INDIVIDUAL OFFENSE.—An officer of a software marketplace operator or of an owner of covered foreign software who knowingly causes a violation of subsection (a)(1) with the intent to conceal the fact that the software is covered foreign software shall be fined under title 18, United States Code.

(3) REFERRAL OF EVIDENCE BY THE FTC.—Whenever the Commission obtains evidence that a software marketplace operator or owner of covered foreign software has engaged in conduct that may constitute a violation of subsection (a) or (b), the Commission shall transmit such evidence to the Attorney General of the United States, who may institute criminal proceedings under this subsection. Nothing in this paragraph affects any other authority of the Commission to disclose information.

(f) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this section, the Commission, in consultation with the Attorney General of the United States, shall submit to Congress a report on the implementation and enforcement of this section.

(g) EXPANSION OF COVERED TRANSACTIONS UNDER THE DPA.—Section 721(a)(4)(B)(iii)(III) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)(4)(B)(iii)(III)) is amended by inserting ''or commercially available'' after ''sensitive''.

(h) EXPRESS PREEMPTION OF STATE LAW.—This section shall supersede any provision of a law, regulation, or other requirement of any State or political subdivision of a State to the extent that such provision relates to the privacy or security of consumer data or the downloading of covered foreign software.

(i) DEFINITIONS.—In this section:

(1) CENSOR.—

(A) IN GENERAL.—The term ''censor'', with respect to the online activity of a person in the United States, means—

(i) to alter, delete, remove, or otherwise make inaccessible user information without the consent of such user; or

(ii) to alter, delete, remove, deny, prevent, or otherwise prohibit user activity without the consent of such user.

(B) EXCEPTION.—Such term shall not include any action by an owner of covered foreign software that is taken for the purpose of restricting access to, or availability of, material that the owner considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected.

(2) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(3) COVERED COUNTRY.—

(A) IN GENERAL.—Subject to subparagraph (B), the term ''covered country'' means—

(i) China, Russia, North Korea, Iran, Syria, Sudan, Venezuela, or Cuba;

(ii) any other country the government of which the Secretary of State determines has provided support for international terrorism pursuant to—

(I) section 1754(c)(1)(A) of the Export Control Reform Act of 2018 (50 U.S.C. 4318(c)(1)(A));

(II) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

(III) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

(IV) any other provision of law; and

(iii) any other country designated by the Attorney General of the United States based on findings that such country's control over potentially dangerous software poses an undue or unnecessary risk to the national security of the United States or to the safety and security of United States persons.

(B) PROCESS.—

(i) ADVANCE NOTICE TO CONGRESS.—The Attorney General of the United States shall not designate a country under subparagraph (A)(iii) (or revoke such a designation under clause (iii)) unless the Attorney General of the United States—

(I) provides not less than 30 days notice prior to making such designation or revocation to—

(aa) the Committee on Energy and Commerce of the House of Representatives;

(bb) the Permanent Select Committee on Intelligence of the House of Representatives;

(cc) the Committee on Commerce, Science, and Transportation of the Senate; and

(dd) the Select Committee on Intelligence of the Senate; and

(II) upon request, provides an in-person briefing to each such Committee during the 30-day notice period.

(ii) NOTICE AND PUBLICATION OF DESIGNATION.—Upon designating a country under subparagraph (A)(iii), the Attorney General of the United States shall transmit a notification of the designation to the Commission, and shall publish such notification. Such designation shall become effective on the day that is 60 days after the date on which such notification is transmitted and published.

(iii) REVOCATION OF DESIGNATION.—The designation of a country under subparagraph (A) may only be revoked by the Attorney General of the United States.

(4) COVERED FOREIGN SOFTWARE.—

(A) IN GENERAL.—The term ''covered foreign software'' means any of the following:

(i) Software that is owned or, directly or indirectly, controlled by a person described in subparagraph (B).

(ii) Software that stores data of United States consumers in a covered country.

(B) PERSONS DESCRIBED.—A person described in this subparagraph is—

(i) a person (other than an individual)—

(I) that is organized under the laws of a covered country;

(II) the principal operations of which are conducted in a covered country; or

(III) that is headquartered in a covered country; or

(ii) a person (other than an individual) that is, directly or indirectly, controlled by a person described in clause (i).

(5) MOBILE APPLICATION.—The term ''mobile application'' means a software program that runs on the operating system of a smartphone, tablet computer, or similar mobile electronic device.

(6) SOFTWARE.—The term ''software'' means any computer software program, including a mobile application.

(7) SOFTWARE MARKETPLACE OPERATOR.—The term ''software marketplace operator'' means a person who, for a commercial purpose, operates an online store or marketplace through which software is made available for download by consumers in the United States.

SA 4363. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. ___. REIMBURSEMENT OF INTEREST PAYMENTS RELATED TO PUBLIC ASSISTANCE.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

''SEC. 431. REIMBURSEMENT OF INTEREST PAYMENTS RELATED TO PUBLIC ASSISTANCE.

''(a) IN GENERAL.—The President may provide financial assistance to a local government as reimbursement for qualifying interest.

''(b) DEFINITIONS.—In this section, the following definitions apply:

''(1) PRIME RATE.—The term 'prime rate' means the average predominant prime rate quoted by commercial banks to large businesses, as determined by the Board of Governors of the Federal Reserve System.

''(2) QUALIFYING INTEREST.—The term 'qualifying interest' means, with respect to a qualifying loan, the lesser of—

''(A) the actual interest paid to a lender for such qualifying loan; and

''(B) the interest that would have been paid to a lender if such qualifying loan had an interest rate equal to the prime rate most recently published on the Federal Reserve Statistical Release on selected interest rates.

''(3) QUALIFYING LOAN.—The term 'qualifying loan' means a loan—

''(A) obtained by a local government; and

''(B) of which not less than 90 percent of the proceeds are used to fund activities for which such local government receives assistance under this Act after the date on which such loan is disbursed.''.

SA 4364. Mr. RUBIO (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AIR AMERICA.

(a) SHORT TITLE.—This section may be cited as the ''Air America Act of 2021''.

(b) FINDINGS.—Congress finds the following:

(1) Air America, Incorporated (referred to in this section as ''Air America'') and its related cover corporate entities were wholly owned and controlled by the United States Government and directed and managed by the Department of Defense, the Department of State, and the Central Intelligence Agency from 1950 to 1976.

(2) Air America, a corporation owned by the Government of the United States, constituted a ''Government corporation'', as defined in section 103 of title 5, United States Code.

(3) It is established that the employees of Air America and the other entities described in paragraph (1) were Federal employees.

(4) The employees of Air America were retroactively excluded from the definition of the term ''employee'' under section 2105 of title 5, United States Code, on the basis of an administrative policy change in paperwork requirements implemented by the Office of Personnel Management 10 years after the service of the employees had ended and, by extension, were retroactively excluded from the definition of the term ''employee'' under section 8331 of title 5, United States Code, for retirement credit purposes.

(5) The employees of Air America were paid as Federal employees, with salaries subject to—

(A) the General Schedule under subchapter III of chapter 53 of title 5, United States Code; and

(B) the rates of basic pay payable to members of the Armed Forces.

(6) The service and sacrifice of the employees of Air America included—

(A) suffering a high rate of casualties in the course of employment;

(B) saving thousands of lives in search and rescue missions for downed United States airmen and allied refugee evacuations; and

(C) lengthy periods of service in challenging circumstances abroad.

(c) DEFINITIONS.—In this section—

(1) the term ''affiliated company'', with respect to Air America, includes Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport; and

(2) the term ''qualifying service'' means service that—

(A) was performed by a United States citizen as an employee of Air America or an affiliated company during the period beginning on January 1, 1950, and ending on December 31, 1976; and

(B) is documented in the attorney-certified corporate records of Air America or any affiliated company.

(d) TREATMENT AS FEDERAL EMPLOYMENT.—Any period of qualifying service—

(1) is deemed to have been service of an employee (as defined in section 2105 of title 5, United States Code) with the Federal Government; and

(2) shall be treated as creditable service by an employee for purposes of subchapter III of chapter 83 of title 5, United States Code.

(e) RIGHTS.—An individual who performed qualifying service, or a survivor of such an individual, shall be entitled to the rights, retroactive as applicable, provided to employees and their survivors for creditable service under the Civil Service Retirement System under subchapter III of chapter 83 of title 5, United States Code, with respect to that qualifying service.

(f) DEDUCTION, CONTRIBUTION, AND DEPOSIT REQUIREMENTS.—The deposit of funds in the Treasury of the United States made by Air America in the form of a lump-sum payment apportioned in part to the Civil Service Disability & Retirement Fund in 1976 is deemed to satisfy the deduction, contribution, and deposit requirements under section 8334 of title 5, United States Code, with respect to all periods of qualifying service.

(g) APPLICATION TIME LIMIT.—Section 8345(i)(2) of title 5, United States Code, shall be applied with respect to the death of an individual who performed qualifying service by substituting ''2 years after the effective date under subsection (h) of the Air America Act of 2021'' for ''30 years after the death or other event which gives rise to title to the benefit''.

(h) EFFECTIVE DATE.—This section shall take effect on the date that is 30 days after the date of enactment of this Act.

SA 4365. Mr. RUBIO (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Taiwan Relations Reinforcement Act of 2021

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''Taiwan Relations Reinforcement Act of 2021''.

SEC. 1292. A TWENTY-FIRST CENTURY PARTNERSHIP WITH TAIWAN.

(a) STATEMENT OF POLICY.—It is the policy of the United States to create and execute a plan for enhancing its relationship with Taiwan by forming a robust partnership that meets the challenges of the 21st century, fully accounts for Taiwan's democratization, and remains faithful to United States principles and values in keeping with the Taiwan Relations Act and the Six Assurances.

(b) INTERAGENCY TAIWAN POLICY TASK FORCE.—Not later than 90 days after the date of the enactment of this Act, the President shall create an interagency Taiwan policy task force consisting of senior officials from the Office of the President, the National Security Council, the Department of State, the Department of Defense, the Department of the Treasury, the Department of Commerce, and the Office of the United States Trade Representative.

(c) REPORT.—The interagency Taiwan Policy Task Force established under subsection (b) shall submit an annual unclassified report with a classified annex to the appropriate congressional committees outlining policy and actions to be taken to create and execute a plan for enhancing our partnership and relations with Taiwan.